

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEO L. DURAN,

Plaintiff,

v.

No. 09-cv-0758 MCA/SMV

CURRY CNTY. ADULT DET. CTR. et al.,

Defendants.

**MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Plaintiff Leo L. Duran's Motion for Leave to add a Supplemental Report to his Sixth Amended Complaint [Doc. 235] ("Seventh Motion to Amend"), filed on July 12, 2013. Defendants have not responded, but no response is necessary. Plaintiff moves to "supplement" his Sixth Amended Complaint in order to correct his original date of arrest, which was November 6, 2007, not October 6, 2007. [Doc. 235] at 1. He also wishes to "clarify" some of his allegations. *Id.* at 2. He claims that the supplement will not prejudice defendants. *Id.* He explains that he did not include this information in any of his previous seven complaints because "of a long battle with depression." *Id.*

In ruling on Plaintiff's sixth motion to amend his complaint, this Court "strongly admonishe[d] Plaintiff that further delays w[ould] not be permitted absent extraordinary circumstances." [Doc. 162] at 9 (emphasis in original). The undersigned finds that Plaintiff has failed to establish extraordinary circumstances for his failure to raise the information in the proposed seventh amended complaint earlier. I further find that allowing yet *another*

amendment would prejudice all of the remaining defendants because they have already filed dispositive motions based on the sixth amended complaint. Lastly, this case was filed on August 4, 2009, nearly *four years* ago, and further delay under the circumstances Plaintiff offers would be unwarranted and unacceptable.

IT IS THEFORE RESPECTFULLY RECOMMENDED that Plaintiff's Seventh Motion to Amend [Doc. 235] be **DENIED**.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN FOURTEEN DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition, they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any written objections with the Clerk of the District Court within the 14-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**



STEPHAN M. VIDMAR
United States Magistrate Judge